

Ms. MIKULSKI. First, in terms of senatorial courtesy, I have no reason to object. But as I understand it, the order of the day is that at 5:30, we must go into consideration of the mercury rule for 1 hour. I ask the Presiding Officer, what is the order?

The PRESIDING OFFICER. The order is that at 5:30, the Senate will be in morning business for 1 hour with the time controlled by Senator INHOFE of Oklahoma or his designee, and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. May I ask the Presiding Officer, at 5:30 the Senate will go into morning business?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Who controls that morning business?

The PRESIDING OFFICER. The time is equally divided and controlled by Senator INHOFE of Oklahoma or his designee and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. I misunderstood. I thought there was a mandate at 5:30 to go to the mercury rule. I have no objection to the Senator's request.

Mr. GREGG. I ask unanimous consent that I be allowed at 5:30 to proceed for 10 minutes in morning business and that I be recognized at that time.

Mrs. BOXER. Reserving the right to object—

Mr. GREGG. Assuming the speakers on the other side have completed their statements.

Mrs. BOXER. I have absolutely no problem with this. I know Senator CLINTON is trying to make it from an airplane to get to the floor. So as I understand it, Senator MIKULSKI has the time until 5:30; is that correct?

Ms. MIKULSKI. Yes.

Mrs. BOXER. Hopefully, she will make it. If I could cover us and say 5:35, and then it would go to Senator GREGG, would that be OK?

Mr. GREGG. I amend my request so that I be recognized at 5:35 for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I have now concluded my remarks and yield to the Senator from California, Senator BOXER, such time as she may consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Maryland for her leadership in reaching out to the people of this country, asking them to send in their questions for Judge Roberts. As she noted, 25,000 individuals wrote in questions and we received a total of 40,000 questions. It shows the American people have a lot at stake. This is a serious time for our country, and a very important nomination. We certainly know that.

Most Americans understand that the Court plays a huge role in defending

our rights and freedoms, and now Judge Roberts has been nominated to be the Chief Justice of the United States. Although some will say it makes no difference, it makes a big difference. The Chief Justice runs the Court, sets its tone, assigns responsibility for writing its decisions, has a certain amount of cachet to speak for the Court, and so on.

The Judiciary Committee began its hearings today on Judge Roberts. This is a vital part of the advice and consent role of the Senate. Before we vote, it is every Senator's duty to find out if Judge Roberts will uphold or undermine our fundamental freedoms, the freedoms that essentially define us as Americans. It is our duty to find out if Judge Roberts will fulfill the promise etched above the Court itself: Equal justice under the law—not justice only for the powerful, but equal justice for all. And when I say we have a duty, I am talking about our responsibility as Senators to act on behalf of we the American people.

That is why the Democratic women, under Senator MIKULSKI's leadership, created the AskRoberts Web site. Americans submitted 40,000 questions about a broad range of issues, including privacy, reproductive health, civil rights, women's rights, and the environment. One individual posed this question to Judge Roberts: In your opinion, why would the White House refuse to turn over public records from your time as Deputy Solicitor General? What is there to hide?

What is there to hide? It is a very important question. Senators on both sides of the aisle should be asking that question. Before we confirm Judge Roberts to a lifetime appointment as Chief Justice, we need to know everything possible about his views and philosophy. This isn't because it is interesting, because I am sure it would be interesting. Judge Roberts is a very bright and interesting man. But it is because every American's rights and freedoms hang in the balance. Judge Roberts has a very thin record on the bench. Therefore, his writings and statements, when he worked for the Reagan administration and the first Bush administration, become very important.

We know that in his position working for Kenneth Starr, Mr. ROBERTS played a very important role. He was a top decisionmaker in the Solicitor General's Office. He appeared before the Supreme Court and, by his own admission, made the final determination of which cases to appeal in hundreds of circumstances. It is not as if we haven't gotten information like this before. We did so during the confirmation hearings for Judge Bork and Justice Rehnquist.

That is why Democrats on the Judiciary Committee, under the leadership of Senator LEAHY, and the Democratic leadership, under the leadership of Senator REID, and the Democratic women, under the leadership of Senator MIKULSKI, and the entire Democratic caucus

have written letter after letter to Attorney General Gonzales demanding these documents be released.

We are talking about a very narrow request—only 16 cases—not a broad request for all records. What are these cases we are asking about? They include three about reproductive health, five about discrimination and civil rights, and three about the environment. These are the very issues Americans told us they wanted Roberts to answer questions about when they wrote to our Web site.

In poll after poll, the American people are saying that Judge Roberts has to tell us what he believes, and we deserve to have this information. Everyone agrees that Judge Roberts is extremely qualified and very personable. But we need to know about his views and philosophy because, if confirmed, the cases he would decide will impact the daily lives of all Americans.

I believe the American people want transparency and openness in this process. This should not be some hide-and-seek, catch-me-if-you-can deal. This is about someone who could sit on the Court for 30 years, or more. This is someone who is going to influence the lives of our grandchildren and perhaps even our great grandchildren.

In addition to getting the information on these cases, Judge Roberts also must answer questions, and I hope he is going to do that. I know a couple of my colleagues on the other side of the aisle today seemed to be counseling him not to answer questions. One of them cited Judge Ginsburg, and said she drew the line by refusing to answer questions.

Let me tell you what Judge Ginsburg said at her hearing when she was asked about *Roe v. Wade* and a woman's reproduction freedom. She said:

It's a decision she must make for herself.

And when Government controls that decision for her, she is being treated as less than a fully adult human.

That is a quote from Ruth Bader Ginsburg. And it is certainly at odds with all that Senator HATCH and others are saying about how Ruth Bader Ginsburg didn't answer questions about key legal issues. No. 1, her writings on this and other topics were extensive. Then at the hearing, she said clearly that when the Government takes control—I am going to read it again:

When Government controls that decision, a woman is being treated as less than a fully adult human.

I want to know whether Judge Roberts agrees with that. He will have a chance to express that view and also his view about the role of Congress in protecting our families and communities. Take, for example, the violence against women. Part of that act, written by JOE BIDEN and ORRIN HATCH—and I worked with Senator BIDEN for years on that—part of that law was thrown out. We want to know how Judge Roberts feels about whether we in the Senate can protect the women of our country, can protect the families of our country, can protect those who perhaps cannot speak for themselves.